



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

VIA CM/ECF

May 27, 2020

Arturo Rivera, Case Manager
To United States District Judge Keith P. Ellison
United States District Clerk
515 Rusk Avenue, Room 3716
Houston, Texas 77002

Re: *Laddy Valentine, et al. v. Bryan Collier, et. al.*;
4:20-CV-01115: TDCJ's Status Report concerning the Wallace Pack Unit's
Response to COVID-19

Dear Mr. Rivera:

On May 23, 2020, the Court issued an Order requiring Defendants to file an update with the Court by May 27, 2020, concerning its response to the offenders at the Wallace Pack Unit who have tested positive for COVID-19.

TDCJ's Voluntary Submission

TDCJ is voluntarily submitting this Status Report containing an update of its response to the offenders at the Wallace Pack Unit who have tested positive for COVID-19, and is not submitting this Status Report because it was ordered to do so. The latest Court Order dated May 23, 2020 is not operative because it modified an injunction that was stayed on April 22, 2020, and therefore, the latest Court Order is stayed in the same way that the Court's prior Injunction Order is stayed. Nevertheless, in good faith, TDCJ has prepared this Status Report to demonstrate that TDCJ is committed to constantly updating its response to the ever changing COVID-19 circumstances to protect and ensure the safety of offenders and staff. TDCJ submits that court orders are not required for TDCJ to act reasonably in light of changing circumstances to protect and ensure the safety of offenders and staff by acting in accordance with CDC Guidelines and CMHC Policy B-14.52.

The undersigned counsel provided the May 23, 2020 Court Order to the Texas Department of Criminal Justice (TDCJ), and requested responsive information. TDCJ provided the response contained in Exhibit "1" to this letter as well as the below

information contained in the below “Executive Summary”.

Executive Summary

TDCJ followed the advice of the infectious disease doctors and medical experts in responding to COVID-19 by promptly adopting the guidelines from the Centers for Disease Control and Prevention (CDC), and also by promptly adopting the Correctional Managed Health Care (CMHC) Policy B-14.52. TDCJ further acted reasonably to ensure the safety and protection of the offenders and staff at the Pack Unit by complying with the CDC Guidelines and the CMHC Policy B-14.52. For example, the first positive test for COVID-19 at the Pack Unit was obtained on April 13, 2020 for offender Leonard Clerkly who had passed away two days earlier at a hospital. TDCJ swiftly acted in response to this first positive test by placing the Pack Unit on a “Precautionary Lockdown” in order to protect the offenders on April 13, 2020.

In response to COVID-19, the Pack Unit has - among the many other actions described in Exhibit “1” attached hereto - provided the offenders with unrestricted access to soap and water to wash their hands as frequently as they want; provided masks to cover the offenders’ mouth and nose which can be exchanged for fresh masks on a daily basis; supplied hand towels which can be exchanged for clean towels on a daily basis; implemented “social distancing” measures such as having the offenders maintain a distance of six feet apart while in line to go to the Chow Hall and only having two offenders to a dining table at the Chow Hall rather than the pre-Coronavirus number of four offenders per dining table; and implemented an “education program” for the offenders concerning the ways they can protect themselves from COVID-19 which has consisted of a video displayed on the television in the Pack Unit Dorms for the offenders to watch, and educational posters have been placed on the Dorm walls of the Pack Unit.

TDCJ tested all of the offenders and staff at the Pack Unit through what has been termed the “Strike Team” testing during the time from May 12-14, 2020. These test samples have been sent to a laboratory called Curative Medical, Inc. which is located in California. Curative has been providing a “rolling” response of these test results to TDCJ. These test results are identified in the attached Exhibit “1”.

TDCJ is currently medically isolating the offenders who test positive for COVID-19 in the D Wing of the Pack Unit which is comprised of Dorms 13-16. For the offenders who have been “exposed” – which is defined as being in close contact for longer than fifteen minutes with someone who tested positive for COVID-19 – they are being placed in medical restriction for evaluation in Dorms 17-20. TDCJ further

implemented “Contact Tracing” in an effort to determine which offenders had been exposed to someone who tested positive for COVID-19 in order to protect these offenders.

See Attached Exhibit “1”

TDCJ’s more detailed responses to the May 23, 2020 Court Order are attached hereto as Exhibit “1”.

Sincerely,

/s/ Shawn E. Cowles
Texas Attorney General’s Office
Special Counsel for Civil Litigation
Counsel of Record for Defendants